

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SUPERCELL OY,

Plaintiff,

V.

ROTHSCHILD DIGITAL MEDIA  
INNOVATIONS, LLC,

Defendant.

CASE NO. C15-1119JLR

## ORDER

ROTHSCHILD DIGITAL MEDIA  
INNOVATIONS, LLC,

On July 28, 2016, the court granted Defendant Rothschild Digital Media Innovations, LLC’s (“RDMI”) motion for a stay of this case pending final exhaustion of *inter partes* review (“IPR”) proceedings for U.S. Patent No. 6,101,534 (“the ’534 Patent”) before the U.S. Patent and Trademark Office’s Patent Trial and Appeal Board (“the PTAB”). (7/28/16 Order (Dkt. # 37) at 13.) At that time, the court ordered RDMI to file a status report no more than five days after the PTAB completed IPR proceedings. (*Id.*)

1 On October 3, 2016, RDMI filed a status report that informed the court that the  
2 PTAB issued its final written decision on the '534 Patent on September 26, 2016.  
3 (10/3/16 Rep. (Dkt. # 38) at 1.) In its status report, RDMI notified the court that it  
4 "reserves all rights to request rehearing of the Final Written Decision, or appeal the same  
5 to the United States Court of Appeals for the Federal Circuit." (*Id.* at 2.) RDMI further  
6 notified the court that it may request a rehearing within 30 days of the date on which the  
7 PTAB issued its final written decision pursuant to 37 C.F.R. § 42.71 and that it may file a  
8 Notice of Appeal to the United States Court of Appeals for the Federal Circuit within 63  
9 days from the date of the PTAB's final written decision or a decision on rehearing  
10 pursuant to 37 C.F.R. § 90.3. (*Id.*) Accordingly, the court ordered RDMI to file a status  
11 report no more than 90 days from October 14, 2016, advising the court of any rehearing  
12 and/or appeal of the PTAB's September 26, 2016, final written decision. (10/14/16 Order  
13 (Dkt. # 39) at 2.) The court further ordered that the stay remain in effect unless and until  
14 the court orders otherwise. (*Id.* at 3.)

15 On January 19, 2017, RDMI filed a status report consistent with the court's  
16 October 14, 2016, order. (1/19/17 Rep. (Dkt. # 40).) RDMI's report informs the court  
17 that "[o]n November 29, 2016[,] RDMI timely filed a Notice of Appeal in the United  
18 States Court of Appeals for the Federal Circuit, seeking to reverse the PTAB's Final  
19 Written Decision" and that "RDMI's [i]nitial [b]rief is due on March 10, 2017." (*Id.* at  
20 2.)

21 Based on the foregoing information, the court ORDERS that the stay in this case  
22 (Dkt. # 37) remain in effect until the court orders otherwise. The court further ORDERS

1 RDMI to file a status report no more than ninety (90) days from the date of this order and  
2 to file a status report every ninety (90) days until the court lifts the stay. The status report  
3 shall inform the court of the status of the appeal before the Federal Circuit, the expected  
4 timeline for resolution of this matter, and any other developments affecting resolution of  
5 this matter. If this matter is resolved or there is any other significant change in the status  
6 of this matter any time before ninety (90) days from the date of this order or any 90-day  
7 interval at which RDMI must file a status report, the court ORDERS RDMI to file a  
8 status report informing the court of the development no more than five (5) days after it  
9 occurs.

10 Dated this 24th day of January, 2017.

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14 JAMES L. ROBART  
United States District Judge  
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